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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,871	02/12/2004	Shaibal Roy	ID-494 (80215)	6107

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EXAMINER

BHATIA, AJAY M

ART UNIT PAPER NUMBER

2145

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/777,871

Applicant(s)

ROY, SHAIBAL

Examiner

Ajay M. Bhatia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/12/04</u> . | 6) <input type="checkbox"/> Other: _____  |

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***Claim Rejections - 35 USC § 112***

Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Protocol is used profusely throughout the claims but is unclear what the definition of the term is, since the term has many possible interpretation applicant should clearly define protocol in the claim. It is possible that the term protocol changes definition and or the term protocol is not referring to the same protocol through out the claims, if so please clarify by defining the protocol by what its intent application is to differentiate the protocols (i.e. wireless communication protocol, synchronization protocol, infrared protocol, etc...)

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 29-33 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Rejected claim(s) do not clearly define the claimed

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invention as a tangible embodiment therefore claim(s) are non-statutory applicant is suggested "a computer readable medium on a tangible embodiment".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-4, 7-12, 14-15, 18, 20-21, 24, 26, 29, 31 are rejected under 35

U.S.C. 102(e) as being anticipated by U.S. Patent Publication 2003/0004955 Cedola et al.

For claim 1, Cedola et al. teaches, a communications system comprising:

a plurality of mobile wireless communications devices each using at least one of a plurality of different operating protocols to send at least one access request;  
(see Cedola et al., figure 3, paragraph 29)

a plurality of data storage devices for storing data files, each data file being associated with a respective mobile wireless communications device (see Cedola et al., figure 3, paragraphs 36-38), each data file having a unique identification (UID)

associated therewith, (see Cedola et al., figures 4-6, paragraphs 36-38) and each data storage device using at least one of the plurality of different operating protocols; and (see Cedola et al., figure 3, paragraph 29)

a protocol interface device comprising a protocol converter module for communicating with said plurality of mobile wireless communications devices using respective operating protocols thereof, (see Cedola et al., paragraph 27, 29, 39) and a protocol engine module for communicating with said plurality of data storage devices using respective operating protocols thereof, (see Cedola et al., figure 3, paragraph 27, 29, 39) said protocol engine module also for polling said data storage devices for UIDs of data files stored thereon, (see Cedola et al., figure 2, paragraphs 36-38, 41-44) and for cooperating with said protocol converter module to provide UIDs for respective data files to said mobile wireless communications devices upon receiving access requests therefrom. (see Cedola et al., figure 2, paragraphs 36-38, 41-44)

For claim 3, Cedola et al. teaches, the communications system of claim 1 wherein said protocol interface device further comprises a memory coupled to said protocol engine module for storing the UIDs. (see Cedola et al., paragraphs 36-38, paragraph 39, paragraphs 41-44)

For claim 4, Cedola et al. teaches, the communications system of claim 1 wherein said protocol engine module polls said data storage devices only for UIDs. (see Cedola et al., paragraphs 36-38, paragraph 39, paragraphs 41-44)

For claim 7, Cedola et al. teaches, the communications device of claim 1 wherein said protocol converter module and said protocol engine module communicate using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol. (see Cedola et al., paragraph 39 )

For claim 8, Cedola et al. teaches, the communications system of claim 7 wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol. (see Cedola et al., abstract, paragraph 3, paragraph 29)

For claim 9, Cedola et al. teaches, the communications system of claim 1 wherein said plurality of data storage devices, said plurality of wireless mobile communications devices, and said protocol interface device process electronic mail (e-mail) messages. (see Cedola et al., paragraph 27 )

For claim 10, Cedola et al. teaches, the communications system of claim 1 further comprising a wide area network (WAN) connecting at least one of said wireless mobile communications devices with said protocol interface device. (see Cedola et al., paragraph 27, paragraph 28, figures 4-6)

For claim 11, Cedola et al. teaches, the communications system of claim 1 further comprising a wide area network (WAN) connecting at least one of said data storage devices with said protocol interface device. (see Cedola et al., paragraph 27, paragraph 28, figures 4-6)

Claims 12, 14-15, 18, 20-21, 24, 26, 29, and 31 list all the same elements of claims 1, 3-4, 7-11, but in interface, method and medium, form rather than system form. Therefore, the supporting rationale of the rejection to claims 1, 3-4, 7-11 applies equally as well to claims 12, 14-15, 18, 20-21, 24, 26, 29, and 31.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5-6, 13, 14-17, 19, 22-23, 26-28, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cedola et al. in view of U.S. Patent Application Publication 2002/0019812 Board et al.

For claim 2, Cedola et al. teaches, the communications system of claim 1 wherein said protocol engine module detects new data files stored on said data storage devices based upon UIDs thereof, and wherein said protocol engine module cooperates with said protocol converter module to (see Cedola et al., abstract, figure 3, figures 4-6, figure 7, paragraph 4, paragraph 27, paragraph 28, paragraphs 36-38, paragraph 39, paragraphs 41-44)

Cedola et al. fails to clearly disclose, send alert notifications to respective mobile wireless communications devices upon detecting new data files therefor.

Board et al. teaches, send alert notifications to respective mobile wireless communications devices upon detecting new data files therefor. (see Board et al., figure 3b, figures 6a,6b, paragraph 15, paragraph 17)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Cedola et al. and Board et al. both system synchronize data with wireless devices over wireless network and would be obvious to combine systems because they are analogous in the art in addition it is important to provided data in a real time factor for decision making. (see Board et al., paragraphs 3, 9, 13, 60) and (see Cedola et al., paragraph 3)

For claim 5, Cedola et al.- Board et al. teaches, the communications system of claim 1 wherein said protocol engine module polls said data storage devices based upon a static polling interval. (see Board et al., figure 3b, figures 6a,6b, paragraph 15,



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paragraph 17) The same motivation that was utilized in the rejection of claim 2, applies equally as well to claim 5.

For claim 6, Cedola et al.- Board et al. teaches, the communications system of claim 1 wherein said protocol engine module polls said data storage devices based upon an adaptive polling interval. (see Board et al., figure 3b, figures 6a,6b, paragraph 15, paragraph 17) The same motivation that was utilized in the rejection of claim 2, applies equally as well to claim 6.

Claims 13, 14-17, 19, 22-23, 26-28, and 31-33 list all the same elements of claims 2, 5-6, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claims 2, 5-6 applies equally as well to claims 13, 14-17, 19, 22-23, 26-28, 31-33.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached UPSTO 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia M Wallace can be reached on (571)-272-6159. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB



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SUPERVISORY PATENT EXAMINER